IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1003 (S/S) of 2006

Pankaj Jain,
S/o Sri Rajindra Prasad Jain,
F/o Chauhan Bhawan,
Kotdwar Road,
Pauri Garhwal. **……Petitioner**

Versus

1. State of Uttaranchal through Secretary, Ministry of Minor Irrigation, Secretariat, Subhash Nagar, Dehradun.
2. Chief Engineer, Minor Irrigation, Dehradun.
3. Superintendent Engineer, Minor Irrigation, Pauri Garhwal.
4. Executive Engineer, Minor Irrigation, Pauri, Pauri Garhwal.
5. Assistant Engineer, Minor Irrigation, Pauri, Pauri Garhwal.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Nautiyal, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has challenged the order dated 10.07.2006 passed by respondent no. 2 transferring the petitioner, who was working as Junior Engineer, Sub Division, Pauri to Kot, Pauri.

Petitioner has challenged the transfer order on the ground that Clause III of the policy dated 27.06.2006 provides that normally an employee shall not be transferred prior to three years. On 29.06.2005 petitioner was transferred from Ekeshwar to Pauri and after passing of about one year he has again been transferred vide order dated 10.07.2006 on public interest.

There is no dispute that an employee can be transferred at any time, if he is holding transferable post but at the same time, if there is no complaint and the transfer is being made on public interest, then employer must ensure that the employee, who is being transferred, is not being treated as shuttle cock, shifting him from one place to another every year. Aggrieved with the transfer order, he has already made a representation dated 13.07.2006 before respondent no. 2,

During the course of argument learned counsel for the petitioner has confined his prayer that respondent no. 2 may be directed to decide his representation dated 13.07.2006 at the earliest.

In view of the above, respondent no. 2 i.e. Chief Engineer, Minor Irrigation, Dehradun is directed to decide petitioner's representation dated 13.07.2006 by speaking order stating therein under which circumstance, he has transferred the petitioner within a period of one year in violation of the policy dated 27.06.2006 issued by State Government within a period of three weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 21, 2006
SKSharma